

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO

JUDGMENT IN A CIVIL CASE

**WESTPORT INSURANCE
CORPORATION,**

Plaintiff,

v.

WARD D. COFFMAN, III, et al.,

Defendants.

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Case No. C2-05-1152

JUDGE ALGENON L. MARBLEY

Magistrate Judge King

☐ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

☐ **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

☒ **Decision by Court.** This action was decided by the Court without a trial or hearing.

IT IS ORDERED AND ADJUDGED That pursuant to the January 29, 2009 Opinion and Order, this Court **GRANTS** Plaintiff's Partial Motion for Summary Judgment on the issue of whether the Class Action complaint and Malpractice Claim constitute a single claim, and **DENIES** Defendant's Motion for Summary Judgment on that same issue. The remaining issues in Plaintiff's and Defendant's Motions for Summary Judgment are **DISMISSED** as moot.

Date: January 29, 2009

James Bonini, Clerk

s/Betty L. Clark

Betty L. Clark/Deputy Clerk